

# PROPOSED RULES

48553

ational Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 401-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc. 76-32175 Filed 11-3-76; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 173]

[Docket No. HM-139; Notice No. 76-10]

### CONVERSION OF INDIVIDUAL EXEMPTIONS TO REGULATIONS OF GENERAL APPLICABILITY

#### Notice of Proposed Rulemaking

The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

COMMENTS BY: November 30, 1976.

ADDRESS TO: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to Docket No. HM-139, Notice 76-10 and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the exemptions and their re-

lated applications and supporting documentation are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Each of the proposed amendments described in the table below is founded upon either: (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Analysis of these proposed amendments also indicates that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments, if adopted, will authorize the general use of shipping alternative previously available to only a few users under exemptions. The safety record or analysis of shipments under the identified exemptions demonstrates that significant environmental impacts will not result from any of the amendments proposed herein.

Adoption of an amendment derived from an existing exemption will obviate the need for that exemption and effectively terminate it, in which event the

affected exemption holder and parties to that exemption will be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event, the exemption request will be denied and the applicant so notified. In the event the Bureau decides not to adopt any of those proposed amendments, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; and the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-3517-No	American Antiformin Co.	173.277	Authorizes use of DOT specification 37P steel drum with polyethylene liner for 15-pet solutions of sodium hypochlorite (modes 1, 2, 3).	To add paragraph (a)(8) to read: "(8) Specification 37P (sec. 173.123 of this subchapter). Steel drums with polyethylene liner (nonreusable container). Authorized for not over 16-pet sodium hypochlorite solutions only."
E-4247-No	High Point Chemical Corp.	173.223	Authorizes shipment of peracetic acid in solution not exceeding 40 pet in DOT specification 21P fiber drum over pack with inside specification 25L polyethylene container (mode 1).	To add paragraph (a)(6) to read: "Specification 21P (sec. 173.225 of this subchapter). Fiber drum overpack with inside specification 25L (sec. 173.25a of this subchapter) polyethylene container not over 30 gal capacity. Container must have vented closure to prevent accumulation of internal pressure and the head with closure must be marked "keep this end up.""
E-4661-No	American Cyanamid Co.; USG Agril-Chemicals; MC/B Manufacturing Chemicals.	173.377(a)(1)	Authorizes shipment of organic phosphate compound mixtures in accordance with sec. 173.377(a)(1) except inside DOT specification 2D paper bags may contain up to 15 1/4 lb capacity in lieu of required 12 lb (modes 1, 2).	To amend paragraphs (a)(1) and (a)(2) by changing the maximum authorized capacity for inside DOT specification 2D paper bags from 12 lb to 15 1/4 lb.
E-4894-No	Union Carbide Corp.	173.223(a)(1)	Authorizes shipment of peracetic acid as prescribed in 49 CFR 173.223(a)(1), except that a vented 1-gal polyethylene container may be used also (modes 1, 2).	To revise 173.223(a)(1) to read: "(1) Specification 15A, 15B, 15C, 16A, 16A (sec. 173.168, 173.169, 173.170, 173.185, 173.190 of this subchapter). Wooden boxes with inside containers which must be glass, earthenware, or polyethylene not over 1-gal capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents. Cushioning material must be in sufficient quantity to completely absorb the contents of the inner container."
E-5157-No	Mobay Chemical Corp.	173.377(b)	Authorizes shipment of organic phosphate compound mixtures, dry in specification 12B fiberboard boxes with inside 2D paper bags. The paper bags must have a foil liner. In lieu of foil liner, mixture may be further packed in polyvinyl alcohol film pouches not over 8 oz (modes 1, 2).	To add paragraph (b)(6) to read: "(6) Specification 12B (sec. 173.205 of this subchapter), fiberboard box, with inside specification 2D paper bags not over 4-lb capacity each. Paper bags must also have a foil liner or the mixture must be further packed in water soluble 1 1/2 mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per bag. Completed package must not exceed 65 lb gross weight and must meet the test requirements of paragraphs (d) and (e) of this section. Authorized only for mixtures in which the liquid is absorbed in concentrations not greater than 67 pet."